

**FINDING OF NO SIGNIFICANT IMPACT**  
***SPANISH FORT BLUFF STABILIZATION PROJECT***  
**Federal Emergency Management Agency**

The Federal Emergency Management Agency (FEMA) administers the Pre-Disaster Mitigation (PDM) grant program. The PDM program was authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 USC. Funding for the program is provided through the National Pre-Disaster Mitigation Fund to assist states and local governments (including Indian Tribal governments) in implementing cost-effective hazard mitigation activities that complement a comprehensive mitigation program.

FEMA considered three alternative actions to solve the problems caused by erosion of the bluff along Highway 98 in Spanish Fort, Alabama. (1) The No Action Alternative: No FEMA grant funding would be applied to the Spanish Fort bluff area, which would continue to erode and endanger residents atop the bluff and motorists traveling below the bluff on Highway 98. Continued bluff erosion could also destroy historic Civil War gunnery mounds on the bluff and fill wetlands at the bottom. (2) The Buyout Alternative: FEMA grant funding would be applied to the mitigation buyout of properties in the subject area and relocating the residents. Any homes that would be bought out would be demolished, and the land would be converted to permanent open space. (3) The Proposed Action Alternative: FEMA grant funding would be applied to the construction of a bluff stabilization project for the Spanish Fort bluff area. The proposed project would redirect stormwater runoff and eliminate virtually all of the erosion loss in the project area, which is the cause of the bluff subsidence, allowing current residents to remain atop the bluff.

FEMA prepared this EA to also address other environmentally related governing authorities, including relevant environmental review laws and executive orders. The Council on Environmental Quality regulations specifically state that the requirements of the National Environmental Policy Act, “must be integrated with other planning and environmental review procedures required by law so that all such procedures run concurrently” (40 Code of Federal Regulations [CFR] 1500.2(c)). These include the Fish and Wildlife Coordination Act (16 U.S. Code [USC] 661); the Clean Water Act (33 USC 1251); the National Historic Preservation Act (16 USC 470); the Endangered Species Act (16 USC 1531); the Resource Conservation and Recovery Act of 1976; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; the Superfund Amendments and Reauthorization Act of 1986; the Farmland Protection Policy Act (Public Law 97-98, Sec. 1539-1549; 7 USC 4201 et seq.); Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Executive Order 12898, Environmental Justice; Magnuson-Stevens Fisheries Act (16 USC § 1855 (b)(2)); Coastal Zone Management Act (15 CFR Part 930, Subparts C and D; 15 CFR Part 923); Clean Air Act (40 CFR Parts 9, 50-53, 60, 61, 66, 67, 81, 82, 93); Migratory Bird Treaty Act (50 CFR Part 10; 50 CFR Part 21); Fish and Wildlife Coordination Act (16 USC §§ 661-666 c), among others.

## FINDINGS

FEMA has made the following determinations from the information contained in the Spanish Fort Bluff Stabilization Project Environmental Assessment (EA):

The above described action will not result in any significant adverse impacts related to geology and soils; hydrology and floodplains; wetlands and jurisdictional waters of the United States; water quality; air quality; vegetation and wildlife; State and Federally listed threatened and endangered species; socioeconomics (including minority and low-income populations); safety and security; hazardous materials and toxic wastes; and traffic and transportation. Any significant adverse impact on cultural resources will be avoided if Condition #6 below is followed. The Proposed Alternative has been reviewed and, to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). The following summarizes what is outlined in the EA's Mitigation Actions section, and are the conditions that must be met as part of implementing this Proposed Action Alternative:

1. The City of Spanish Fort, or its designee, will obtain the applicable National Pollutant Discharge Elimination System permit prior to groundbreaking. In addition, the City of Spanish Fort will ensure that a Construction Best Management Practices Plan is prepared by a qualified, credentialed professional to reduce pollutant discharges to the maximum extent practicable, as outlined in the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management On Construction Sites And Urban Areas*, per Alabama Department of Environmental Management Admin. Code Ch. 335-6-12. This plan will be implemented during construction to minimize, if not eliminate, the adverse effects to surface water from soil erosion during the construction activities.
2. The City of Spanish Fort will follow all conditions of Nationwide Permit 33, as approved for use by the U.S. Army Corps of Engineers (USACE) on June 1, 2006, for the project, including:
  - Implement standard erosion control.
  - Allow the area to revegetate. Replanting would be required if the area does not revegetate within 1 year of project completion.
  - Ensure restoration of pre-project contours.
  - Complete construction by March 17, 2007.

In addition, the City of Spanish Fort must promptly notify the District Engineer, in writing, at the commencement and completion of the work.

The Notice of Authorization, as provided by USACE in their letter dated June 1, 2006, must be posted at the site during construction of the permitted activity.

3. In accordance with an e-mail request by the Alabama Division of Wildlife and Freshwater Fisheries for compliance with the Migratory Bird Treaty Act, the City of

Spanish Fort will inspect, prior to removal, all large trees that must be removed during construction for raptor and migratory bird nests. These trees will not be removed until the raptor fledglings have left the nest.

4. The City of Spanish Fort will establish and maintain a 10-foot (3-meter) buffer zone around the perimeter of Earthwork 1 (described in the EA) encompassing the bulwark at this site, to protect the site from impacts during construction. The City will establish and maintain a 10-foot (3-meter) buffer zone around the northern and western perimeters of Earthwork 2, with a larger area encompassed in the center of the buffer zone.

If avoidance of the two earthworks is not possible, the City of Spanish Fort will conduct a Phase II evaluation and documentation, as required by the Alabama State Historic Preservation Office (SHPO). The evaluation will include thorough photo-documentation and mapping, as well as a detailed history, for each resource that cannot be avoided, with specific project details determined through further consultation with the Alabama SHPO.

5. The City of Spanish Fort will maintain construction vehicles and equipment used for this project in good working order to minimize pollutant emissions during project work.
6. The City of Spanish Fort will establish Best Management Practices that include provisions for control and cleanup of accidental spills during construction.

## CONCLUSIONS

Based upon the information contained in the EA, the potential direct, indirect, and cumulative impacts resulting from implementation of the alternative actions, and in accordance with FEMA's regulations in 44 CFR Part 10 (Environmental Considerations) and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), the following is concluded:

A Finding of No Significant Impact (FONSI) has been awarded. Therefore, an Environmental Impact Statement process will not be required, based on the fact that there will be no long-term adverse direct, indirect, or cumulative impacts on the natural environment resulting from FEMA actions, as identified in the EA, taken to establish the bluff stabilization project. FEMA based this FONSI upon the Proposed Action fitting one of the alternatives described in the EA and meeting all conditions prescribed for that particular alternative. In those instances where the Proposed Action does not conform to the described alternative actions or to all the conditions, a Supplemental EA and corresponding FONSI would be prepared to address the differences.

APPROVAL:

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Dr. William Straw  
Regional Environmental Officer

Date